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Letter dated 1 December 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Ethiopia to the United Nations addressed to the Secretary-General

I have the honour to transmit a letter by Mr. Seyoum Mesfin, Minister for Foreign Affairs of Ethiopia, regarding the Ethiopia-Eritrea peace proposal adopted by the House of Peoples' Representatives of the Federal Democratic Republic of Ethiopia.

I should be grateful if you would kindly circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Teruneh **Zenna**
Chargé d'affaires a.i.
Ambassador
Deputy Permanent Representative

04-63623 (E) 131204

Annex to the letter dated 1 December 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Ethiopia to the United Nations addressed to the Secretary-General

I am pleased to recall our recent encounter during which I had the opportunity to brief Your Excellency on how much Ethiopia is committed to ensuring that the peace process between Ethiopia and Eritrea does not falter. No doubt, Ethiopia alone cannot ensure that there is sustainable peace between the two countries and that both the boundary issues and all other sources of problems between the two countries are addressed and, eventually, normalization is secured between them. Nonetheless, as Your Excellency knows full well, Ethiopia has never been lacking in doing more than its share. It is also in that same spirit that we have now taken a major step for peace with the hope that this would enable us to remove the current obstacles to the peace process.

The five-point peace proposal enclosed herewith (see enclosure I), which was approved on 25 November 2004 by the House of Peoples' Representatives of the Federal Democratic Republic of Ethiopia, is the expression of Ethiopia's full commitment to peace and brotherhood between the peoples of Eritrea and Ethiopia and of our determination to subordinate all other matters to one priority — fighting poverty and backwardness. I have also enclosed herewith as well the statement delivered by Prime Minister Meles Zenawi to the House of Peoples' Representatives of the Federal Democratic Republic of Ethiopia on this same day (see enclosure II).

While thanking you for all that you have done in the past to help both Ethiopia and Eritrea, I wish, once again, to ask you to do whatever is possible to ensure that this latest initiative by Ethiopia will take us to the final objective which has eluded us for so long — peace, normalization and the restoration of the spirit of brotherhood between the people of Eritrea and Ethiopia.

(*Signed*) Seyoum **Mesfin**
Minister

Enclosure I

Decision on the five-point proposal for resolving the dispute between Ethiopia and Eritrea

The House of Peoples' Representatives of the Federal Democratic Republic of Ethiopia, having discussed in detail the five-point peace proposal submitted to it by Prime Minister Meles Zenawi;

Realizing that the desire for sustainable peace of the peoples of Ethiopia and Eritrea can only be achieved when the present no war, no peace situation is replaced with a lasting and durable peace between the two countries;

Cognizant that the resolution of all disputes between neighbouring countries by peaceful means only and through negotiation is the only guarantee for lasting peace and for promoting mutual interests;

Reiterating Ethiopia's conviction, which remains unchanged, that the decision of the Eritrea-Ethiopia Boundary Commission was flawed, but nonetheless realizing that nothing is more important than the achievement of lasting peace between the two countries; and

Convinced that the establishment of a lasting peace between the two countries will make a significant contribution to making the Horn of Africa a peaceful region;

Has hereby adopted the following five-point peace proposal:

1. Resolve the dispute between Ethiopia and Eritrea only and only through peaceful means.

2. Resolve the root causes of the conflict through dialogue with a view to normalizing relations between the two countries.

3. Ethiopia accepts, in principle, the Ethiopia-Eritrea Boundary Commission decision.

4. Ethiopia agrees to pay its dues to the Ethiopia-Eritrea Boundary Commission and to appoint field liaison officers.

5. Start dialogue immediately with the view to implementing the Ethiopia-Eritrea Boundary Commission's decision in a manner consistent with the promotion of sustainable peace and brotherly ties between the two peoples.

25 November 2004

Enclosure II

Statement of the Prime Minister of Ethiopia delivered to the House of Peoples' Representatives of Ethiopia

Honorable Speaker,
Honorable Members of the House of Representatives.

It has been quite a while since we declared war on poverty and backwardness to attain economic development, democracy and good governance. We did so, as widely known, out of the conviction that these are indeed the main enemies of the people of Ethiopia. In particular, since the onset of the reform process within the ruling party, everything we have been doing in our country has been subordinated to this objective and we have, upon the decision of the party, devoted all our efforts to the struggle against poverty, underdevelopment and backwardness in all its manifestations.

In order to ensure that our struggle would achieve its objectives, we have adopted policies and strategies which have been enriched by the people. We have also made a great effort to develop, with our development partners, a common position or a not too divergent one from theirs, on these issues. Accordingly, we have now come to a stage where our entire people and our development partners are confident that the strategies, policies and objectives we have laid out could enable us to free our country from poverty and underdevelopment and to create conditions in which democracy and good governance can thrive.

After a broad consensus was reached to meet, at least partly, the aspiration of the Ethiopian people by prevailing in the fight against poverty and backwardness and by ensuring the prevalence of democracy and good governance, the effort to achieve our objectives is being pursued on all fronts by our people, the major force for our development, by government institutions and by our country's developmental entrepreneurs. On their part, our external development partners have reaffirmed their interest in co-operating with us by opening up their markets, by encouraging the flow of private investment and by strengthening their support in respect to loans and aid. Through our joint efforts, we have managed, last year, to achieve growth rate which was very encouraging. It is expected that this year as well the result will be a repeat of last year's achievement. In short, the road map that we have laid out for development and good governance has already started to bear fruits. This gives us hope for the future.

The Government is very much encouraged by these results. Hence, it is determined to devote all its efforts to activities related to our development and to good governance. That this is also the wish and aspiration of the Ethiopian people is to be witnessed, not by what is expressed in words, but also by what is carried out by our people in practice, day in and day out. No doubt, that it is also the desire of our external partners to see that these encouraging efforts continue with greater determination and commitment.

While the foregoing expresses our aspiration and our commitment, it remains the case, nonetheless, that we have indeed encountered, problems which could distract us from our objectives and which, in fact, not resolved in time, could altogether derail us off track. One such problem which continues to cast an ominous shadow on our effort is the yet unresolved problem between Ethiopia and Eritrea. Hence, this report that I am presenting to the House today focuses on this problem between the two countries.

e House knows full well and in detail the genesis of the problem between Ethiopia and Eritrea as well as here we are today in the process aimed at resolving the dispute. Nonetheless, I believe it would be useful to ghlight, briefly, the major elements involved in the process. The result of the thirty-years war between hiopia and Eritrea entailed an enormous loss both in human terms and in resources, for both. This led to a uation whereby it was no longer open to debate that the problem could only be solved by the decision of the itrean people and by them exercising their rights to self-determination.

ccordingly, our Government beginning from the period of transition has demonstrated its preparedness to e to it that the problem is resolved by the Ertirean people exercising their right, which they did eventually rough a referendum. Once it was made clear by the referendum that the wish of the Eritrean people was to stablish an independent state, Ethiopia accepted this decision with no qualms and became the first country to ccept Eritrea's independence. But our Government did not limit itself to accepting the independence of ritrea. Going beyond this, it did its best and all that was necessary so that there would be good eighborliness between the two countries and the brotherhood between both peoples would be strengthened. hese efforts did have some encouraging results during the first few years after Eritrea gained its ndependence. As a result, we all recall that it was possible, during those years, to establish good neighborly elations between the two countries.

Iowever, it soon transpired that misunderstandings were cropping up between the two countries and these lso began to even get gradually worse. The reason for this had to do with the inappropriate position taken by Eritrea in connection with the need to make the economic relations between the two countries serve the nutual interest of both. The Eritrean Government did not attempt to defuse the problem. Instead, most particularly beginning from around September 1997, it began embarking on a major propaganda offensive neant to aggravate the problem and thereby encouraging the escalation of tension between the two countries. The Government of Ethiopia did not want to engage in tit for tat exercise and to respond in kind. Even going beyond that, it did issue various statements aimed at defusing the problem, but to no avail. Despite Ethiopia's effort, the situation continued to grow even worse, eventually reaching the stage whereby the Eritrean Government mounted, in May 1998, a flagrant aggression against Ethiopia.

Following the aggression, the Government submitted the matter to the House of Peoples' Representatives, including a proposal relating to the origin of the problem and to its possible resolution. After a careful consideration of the matter, the House resolved that the aggression by Eritrea should be reversed. It emphasized that this should be done peacefully, if possible. If the reversal of the aggression could not be achieved peacefully, the House decided that the Government should resort to whatever means necessary to ensure that the aggression is reversed.

Basing itself on the decision by the House, the Government proceeded, on one hand, to make the necessary preparation should it be necessary to reverse the aggression by non-peaceful means while, on the other, deploying the necessary effort to seek a peaceful solution. The first attempt at peace making was made by Rwanda and the United States who, after having made a series of efforts to resolve the problem peacefully, submitted a proposal which, among other things, called on Eritrea to withdraw from areas it had occupied by force and also for the resolution of the boundary dispute legally. Ethiopia accepted the proposal immediately while Eritrea refused to do so. Subsequently, the OAU did submit a similar proposal for peace which again Ethiopia accepted but Eritrea rejected. Because the peace efforts were derailed as indicated in the foregoing, the result was a war between the two countries which was enormously costly both in human and material terms. It was through this means that it was possible to push the Eritrean Government out of the areas that it had occupied by force.

Since our objective has always been to seek a durable and peaceful solution to the problem, having reversed the aggression, we withdrew out of our own volition, from Eritrean territory which we came to occupy in the course of reversing the aggression. We did not stop there. Continuing with our effort for peace, we proceeded to accept and sign the Algiers Agreement. Following this, various steps were taken pursuant to the Agreement. One such step was the setting up of the Eritrea-Ethiopia Boundary Commission with the view of finding lasting solution to the boundary dispute. Having conducted its activities for a limited period of time, the Commission came up with its delimitation decision in April 2002 and informed the parties accordingly. This initial decision of the Commission contained maps that outlined the boundary. It was clearly indicated in the document that the points put on the map to help trace the boundary were provisional and that they would be refined by detailed survey of the situation on the ground. Since the decision was a fairly reasonable one, it was not difficult for both parties to accept it, as in fact they did, and it was felt by all that conditions for the implementation of the decision were also good.

Nevertheless after a while it became clear that the Commission was not respecting its own decision with respect to the points on the map being provisional and, in fact, reversed its position on the need to study in detail, the situation on the ground. In short, violating its own decision, the Commission made it known that the provisional lines would not be tampered with and that there would be no survey on the ground to ascertain the l- -al reality. Thus, based on this unjust and unfair approach, the Commission proceeded to elaborate its position in an observation whose practical result is not only to split up villages, but also to literally divide homesteads down the middle, each part slated to be administered by one of the parties. The result of this Observation by the Commission was to complicate a process which had begun to show some positive signs.

The decision was manifestly unjust and illegal. Accordingly, the Government of Ethiopia felt compelled to express at the time its opposition to the Commissions' illegal and unjust decision. It is the conviction of the Government that it is proper an ' necessary to oppose decisions which are unjust and illegal. However, it is also of the view that this decision would not be the first or the last unfair and illegal decision. The possibility is wide open for encountering, in the future, similar unjust, unfair and illegal decisions. The Government is, therefore, cognizant that, in the interest of considerations of greater value, situations might sometimes demand that, while continuing to express one's opposition to illegal decisions that one proceeds to implement them and that also doing so would be proper and imperative.

It was not because the Government was unaware of what is stated in the . that, going beyond opposing the decision, it had insisted that the decision could not be implemented, a- is. The reason for the Government's opposition to the implementation of the decision as is was related to its concern that any attempt to implement the decision unaltered could undermine the peace between the two countries which is yet precarious and not all that dependable. The Ethiopian Government was prompted to seek better solutions because it was convinced that this type of lopsided decision could even affect the peace between countries that are friendly, let alone that of those like Ethiopia and Eritrea whose relations are already marked by a great deal of tension and uncertainty.

Peace is always the strategic goal of the Government of Ethiopia. Accordingly, with the view to realizing this goal with Eritrea, we have made various efforts to resolve the dispute peacefully. This we did, by indicating clearly, that we would always be looking for implementation mechanisms that would be appropriate to the situation. Not only has our Government made clear its preparedness to engage the Government of Eritrea in a dialogue, but it has also made all the necessary efforts to make this known to the Ethiopian and the Eritrean peoples as well as to the international com.nunity at large. This effort, on our part, has elicited various responses from different quarters over the last few months.

Our Government, convinced that conflict and bloodshed between the two countries, should be avoided, has proposed dialogue between the two parties aimed at achieving lasting peace. The Government of Eritrea has not so far responded favorably to this Ethiopian invitation for dialogue for peace. On the contrary, the major effort of the Eritrean Government has been to try to mobilize ill-will against Ethiopia internationally by portraying our country as the one that has defied and violated a valid legal decision. The objective has not been to contribute to the relaxation of tension between the two countries. But rather, to fan it through extensive hostile propaganda. Moreover, it has also engaged in various provocative efforts. It has furthermore tried to use the Eritrean people as an instrument to advance the same objective. This it has tried to do this by insisting that Ethiopia has denied to Eritrea what has been given to it by a court of law. In all the statements it has issued so far, it has made it clear that it is not ready to resolve the problem through dialogue and negotiation.

The Ethiopian people and Government have made it clear that while, on the one hand, we will always remain vigilant to defend the country and enhance its defensive capability for that propose, we, on the other, demonstrated our unwillingness to go to war with Eritrea or with any other country, On the contrary, given all desire to avoid all situations that would detract us from our major goal of fighting poverty, our approach has focused on resolving all issues by exercising patience, through give and take and through principled dialogue and negotiation. We have also reaffirmed, through a variety of ways, to continue pursuing the ongoing effort for peace.

The international community has supported dialogue between the two countries. It has done so out of the realization that the implementation of the decision, as is, might undermine peace between the two countries and also based on its conviction that the fundamental differences between the two countries should be resolved through peaceful means only. Hence, the effort that the Government of Eritrea has made to drive a wedge between Ethiopia and the international community has completely failed. On the other hand, the international community has nonetheless been asking Ethiopia not to appear to be violating the decision of a court and not to seem to be defying international law, and demanding, in this regard, that Ethiopia declare its acceptance of the decision of the Commission. As a result of the confusion surrounding Ethiopia's position, it has been difficult for the international community to support aggressively the proposal made by Ethiopia for dialogue between the two countries. This has been expressed by the international community in various ways.

In the same way as the people of Ethiopia, the Eritrean people as well have shown that it is their deep desire to see the resolution of the problem peacefully. But various sources indicate that a more enhanced struggle for peace on the part of the people of Eritrea has been hampered by Ethiopia's unwillingness to accept the erroneous decision of the Commission. The uninterrupted propaganda waged by the Government of Eritrea has also made it difficult for the Eritrean people to understand the position of Ethiopia fully and correctly.

In short, it is now clear that the plan that we have outlined to achieve our objective for peace has faced the strong opposition of the Government of Eritrea and, moreover, even though the major forces for peace do realize our efforts for peace, they have been unable to support this efforts with all their power because of various difficulties. It is now clear that the proposal for peace that we have submitted earlier has not managed to secure the desired sustainable and durable peace. Hence, it has now become imperative to seek a peace proposal which takes into account current realities and which will help motivate those that are forces for peace. It has become necessary to rectify, those aspects of the original peace proposal, which have had the effect of undermining the efforts of those committed to peace and to present a new proposal which would help strengthen the struggle for peace.

The Government of Ethiopia has been examining the situation continuously. It has undertaken studies and consultations for a long time with the view to replacing implementation modalities that have not been effective with those that could be more effective. The result has been the preparation of a five-point peace proposal which is hoped would carry our peace effort into a new and a more productive chapter. The following is the substance of the five-point peace plan proposed by the Government:

1. Resolve the dispute between Ethiopia and Eritrea only and only through peaceful means.

It is unavoidable that misunderstandings would always occur between countries. The point, however, is to resolve problems whenever they happen in a civilized manner, peacefully, through dialogue and negotiation based on the principles of give and take. It is only when the resort to force is ruled out, as an alternative means of resolving disputes, that it would be possible to realize durable and sustainable peace. It is in this spirit that one should approach the dispute between Ethiopia and Eritrea. It cannot be doubted that the peace between the two countries can be made durable and sustainable if both are ready to resolve all problems, whatsoever, peacefully and through dialogue and negotiation. Unless this spirit is adopted, it would also be difficult to resolve the problems we now face. Even if the present problems were to be resolved by some other means, unless there is readiness to resolve problems peacefully and through dialogue, war and conflict will continue to be great possibilities whenever new problems arise. Accordingly, the best option we have is to rule out the use of force as a means of resolving problems, once and for all, and to address problems and disputes through peaceful means only. Hence, resolving the dispute between Ethiopia and Eritrea only through peaceful means is the first point of our five-point peace proposal.

2. Resolve the Root Causes of the Conflict Through Dialogue With the View to Normalizing Relations Between the Two Countries.

No matter what is done, unless there is a relaxation of tension between the two countries -- tension which at present is rather high-- it would be impossible to achieve reliable and lasting peace between them. The tension between the two countries can be defused only when the underlying problems that caused the tension are addressed. Resolving all sources of problems between the two countries through dialogue and thus creating conditions for normalization in the relations between them is the only guarantee for durable and sustainable peace. This is becoming obvious today than ever before.

It is clear that because of the recent war and the sources related to the war, relations between the two countries at present even at the people to people level are very much marred by misunderstanding. Moreover, it is manifest that trust is indeed lacking between the two Governments. This fact is bound to be an obstacle to the normalization of relations between the two countries. On the other hand, no one has been able to change, and none will be able to change in the future, the fact that these are two brotherly peoples. Durable and sustainable peace is moreover in the mutual interest of the two peoples. Normalization and good neighborliness between the two countries is in the interest of peace and in their mutual interest. This is incontrovertible. Thus, regardless of the misunderstanding between them and the lack of mutual trust, it is the responsibility of the two Governments to give priority to the desire of their peoples and to choose the peaceful path. It is precisely because of this that the Government of Ethiopia is demonstrating preparedness to resolve the sources of misunderstanding between the two countries through dialogue and to contribute to the normalization of relations between them.

3. Ethiopia Accepts, in Principle, the Ethiopia-Eritrea Boundary Commission Decision.

As already indicated, it is obvious that the decision of the Commission is indeed illegal and unjust. It is appropriate and necessary to oppose the decision as unjust and illegal. However, this matter is not more important than peace. In light of the struggle we are engaged in for development and good governance, it is imperative that all those that could become obstacles to the realization of these major objectives are subordinated to the need for the achievement of those objectives as well as to the objective of peace. In fact, peace has been the starting point and the premise of the position that the Government of Ethiopia has been advancing so far. Nor was our earlier position totally without merit. But it had great limitations in so far as it did not enable the forces of peace to support our agenda for peace with all their energy.

Though the people of Ethiopia did strongly support the Government's peace plan, there have been indications, nonetheless, that they have had concerns about the effect that Ethiopia's position might have on the credibility of the country. In order also to avert this danger and to make it possible for the Ethiopian people to support the Government's peace agenda wholeheartedly, with full confidence in the Government's commitment to peace and in its readiness to adopt necessary decision for peace, no matter how difficult they might be, it has been decided that it would be useful and proper to accept, in principle, the decision of the Boundary Commission.

It is obvious that the people of Eritrea have their own unique role to play in ensuring durable and sustainable peace between the two countries. It must be assumed that now that Ethiopia has accepted, in principle, the decision of the Boundary Commission, together with the other points contained in the five-point peace proposal, it will help the Eritrean people to understand Ethiopia's full commitment to peace. It has thus been felt necessary and useful to adjust and modify our position with the hope that this will make a great contribution to making our peace agenda more robust and effective.

It is to be noted that the Government of Eritrea has refused to respond favorably to our call for peace giving, as justification for its refusal, Ethiopia's unwillingness to accept the decision of the Commission. Moreover, using the same justification it has proceeded to weaken the effort by the Eritrean people for peace. Furthermore to undermine the attempt by the international community to support dialogue between the two countries, arguing doing so has no legal bases. On the other hand, if indeed the Government of Eritrea's major objection to Ethiopia's proposal is linked, in a genuine way, to the question of accepting or not accepting the decision of the Commission, then, ipso facto, our acceptance, in principle, of the decision of the Commission, should make it possible to remove the basis for the objection and thus make the Government of Eritrea ready for peace. On the contrary, if the objection of the Government of Eritrea to engaging the Government of Ethiopia for peace has nothing to do with accepting or not accepting the decision of the Commission and that the source of the objection is rather the anti-peace agenda of the Government of Eritrea, then our new approach and our new peace plan will serve to expose this situation more clearly. Either way, accepting in principle the decision of the Commission should be deemed necessary and useful.

Though it has given its support for the resolution of the problem through dialogue, and though it has also encouraged the development efforts of Ethiopia, it has been clear, nonetheless, that the international community on its part has indeed felt that Ethiopia's position might create an obstacle to the realization of peace. The fact that now Ethiopia has accepted the decision, in principle, should also help to remove this concern of the international community. Hence, it is appropriate for Ethiopia to adjust its position and accept, in Principle, the decision of the Boundary Commission.

4. Ethiopia Agrees to Pay Its Dues to The Ethiopia-Eritrea Boundary Commission and to Appoint Field Liaison Officers

It is obvious that Ethiopia has an obligation to contribute its share to cover the expenses of the Ethiopia-Eritrea Boundary Commission. Accordingly, Ethiopia has been paying its contribution, for a long time, following the commencement of the work of the Commission. However, Ethiopia's payment was interrupted following, and linked to, the handing down by the Commission of its unjust and illegal decision. Likewise, although it was expected of Ethiopia to designate liaison officers who would be working on sites along the border along with experts to be deployed by the Commission, this was also not carried out by Ethiopia because of the complications arising from of the decision of the Commission.

At present, in line with Ethiopia's acceptance, in principle, of the decision of the Commission and consistent with its new position that it would, in this regard, adjust its stand, the payment of its dues to the Commission and the designation of field liaison officers are steps that would be appropriate to take. Thus, this has also become one facet of our five-point peace proposal.

5. Start Dialogue Immediately with the view to implementing the Ethiopia-Eritrea Boundary Commission's decision in a manner consistent with the Promotion of Sustainable Peace and Brotherly Ties between the Two Peoples.

As has already been explained, the attempt to implement the decision of the Boundary Commission, as is, might lead to a serious escalation of the tension between the two countries and thereby undermine the peace. The acceptance of the decision, in principle, and then proceeding with implementation in a manner consistent with durable and sustainable peace and, in this connection, making adjustment as and when necessary in the course of implementation is an internationally accepted demarcation practice. It is necessary, in this regard, for an understanding to be reached between the two parties for the implementation to be carried out in this spirit. In order to proceed accordingly, there is a need for a dialogue to be conducted between the two parties, swiftly. In the course of the dialogue, it is critical that the negotiations take into account and the resulting agreement be based on two key considerations: the acceptance by Ethiopia, in principle, of the decision of the Commission, on one hand, and adherence to the principle of give and take in the course of implementing the decision, on, the other. Hence, the commencement of dialogue, swiftly, to ensure that the implementation would be conducted in the spirit outlined above is made an integral part of our five-point peace proposal.

Honorable Speaker,
Honorable members of the House,

I believe that the peace proposal that I have just outlined would serve to promote our country's agenda with respect to development and good governance. I am confident that it would also create for us an additional capacity for realizing peace which is our permanent strategic goal.

It is my conviction that if there is indeed a desire for peace on the part of the Government of Eritrea, there is no doubt that, since the proposal we are presenting shows our preparedness to go more than half way for peace, this initiative will make a great contribution for peace in our sub-region. It is also my judgment that this peace proposal would help the international community appreciate, more fully, Ethiopia's peace agenda, and to support the same more effectively. Accordingly, I would like, therefore, to respectfully submit the five-point peace proposal to the House of Peoples' Representatives for its consideration and approval.

It is not assumed that the approval by the House of this peace proposal would constitute the end of our struggle for peace. It will be necessary to explain our position to the Ethiopian and Eritrean peoples as well as to the international Community so as to strengthen their own efforts for peace. We will continue to struggle in order to bring about the readiness of the Eritrean Government for dialogue, realizing the great effort we have been making for peace, which includes making very difficult decisions.

If the House approves the peace plan, the Government is already well prepared to undertake, with redoubled efforts, the tasks outlined above. I remain confident that in these areas as well, the House would also make a great contribution.

I thank you.

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Security Council

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Letter dated 2 December 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the Accra III Agreement on Côte d'Ivoire, adopted on 30 July 2004 in Accra, to the statement by the President of the Security Council of 5 August 2004 (S/PRST/2004/29) and to my letters dated 16 August 2004 (S/2004/667), 3 September 2004 (S/2004/716), 20 September 2004 (S/2004/748), 6 October 2004 (S/2004/800) and 29 October 2004 (S/2004/878) concerning the monitoring of the Agreement.

Please find attached the sixth and seventh reports of the Tripartite Monitoring Group established under the Accra III Agreement, covering the periods from 15 to 30 October 2004 and from 1 to 15 November 2004 (see annexes).

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-63763 (E) 221204

Annex I

[Original: English]

Implementation of the Accra III Agreement

Sixth report of the Monitoring Group

Covering the period from 15 to 30 October 2004

I. Introduction

1. This report is prepared pursuant to the Accra III Agreement of 30 July 2004, according to which the Tripartite Monitoring Group is requested to make fortnightly reports on major developments in the peace process in Côte d'Ivoire and on the progress made towards the implementation of the Accra III Agreement. The present report covers the period from 16 to 30 October 2004.

II. Overview

2. The deadline of 15 October 2004 passed without the start-up of the DDR, underscoring the failure of the parties to implement the time frame set under the Accra III Agreement. The national political mood was gravely characterised by mutual trading of accusations and outright insults. This only exacerbated the rising tension and anxiety among the population. There was, however, some incurable hope that matters will not rise to such a point of high tension as to degenerate into a resumption of hostilities among the two major military belligerents. There was yet another surge of hope that impartial external influences could yet be brought to bear on the Ivorian political actors, in particular the FPI and the Forces Nouvelles, to forge a political consensus out of the current persistent crisis. All other positive developments registered during the period pale besides the gnawing impasse.

III. Developments in the peace process

3. In spite of considerable obstacles in the peace process, some significant progress, however, has been made, in particular, in the cooperation between the National Armed Forces of Côte d'Ivoire and the Armed Forces of Forces Nouvelles (FAFN). The military situation in the country remains stable as the military forces on both sides continue to demonstrate their commitment to a pacific resolution of the political impasse. The Ivorian Defence and Security Forces and the Armed Forces of Forces Nouvelles continue to collaborate across a spectrum of military related matters, ranging from consultations within the Quadripartite Committee to joint initiatives in elaborating operational modalities for the implementation of the DDR programme.

4. Despite the commitments undertaken by President Gbagbo and other political leaders signatories of the Linas-Marcoussis and Accra III Agreement, the process of the adoption of the legal reforms has not made any significant progress. None of the major deadlines agreed in Accra III (31 August 2004 for the adoption of the legislative texts, 30 September 2004 for the amendment of Article

35 on eligibility to the Presidency and 15 October 2004 for the commencement of the DDR process) has been met.

Proceedings in the National Assembly

5. The second ordinary session of the National Assembly which officially opened on 6 October 2004, effectively began its substantive proceedings on 19 October 2004. Out of the different draft legislations to be considered during this session, only four are envisaged under the Linas-Marcoussis Agreement. The Speaker requested the Government of National Reconciliation to submit the remaining texts to the National Assembly. However, the lack of confidence between members of the Government and the ruling FPI caused the impasse in the adoption of these texts.

Electoral process

6. The conditions for the organisation of the October 2005 elections have not yet been met. Major decisions relating to the organization and the composition of the Independent Electoral Commission as envisaged under the Linas-Marcoussis Agreement, including the preparation of credible electoral lists and identification, still need to be taken. Time is running out for the organisation of fair, open and transparent elections in October 2005 under acceptable conditions – a factor which is considered as critical in overcoming the current crisis. Pending the reconstitution of the CEI, a UN electoral assessment mission was dispatched to Abidjan from 13 to 27 October 2004 with the objective of reviewing the technical tasks related to the organisation of the elections and make proposals to accelerate the start-up of the electoral process. The mission consulted widely with government and electoral authorities, political parties and representatives of the international community, in particular those of the donor community which have pledged assistance financially or in kind. The Mission made recommendations aimed at making up for the time lost, while gaining the trust of political parties. However, much still depends on the early achievement of a political consensus on the composition of the Independent Electoral Commission, the national institution primarily responsible for the electoral arrangements.

Disarmament, demobilization and reintegration of ex-combatants

7. According to the Accra III Agreement, the DDR process was scheduled to start on 15 October 2004. This deadline could not be met due to political disagreements. On the one side, the Forces Nouvelles (FN) made official their opposition to disarm unless the political reforms stipulated in the Accra III Agreement were fully implemented. On the other side, President Gbagbo after several consultations with political parties suggested that the DDR start in the Eastern part of the country, before he submitted to the National Assembly, prior to a referendum, the amendment to Article 35 relating to eligibility for the Presidency.

8. The two opposing stands have resulted in a deadlock, which has negatively impacted the peace process and raised security and political tensions. The planned start-up of the DDR in the Eastern region, specifically in the towns of Bouna (North – in Forces Nouvelles controlled zone) and Bondoukou (South – in Government-controlled zone) was conceived as an acceptable and symbolic

compromise both militarily and politically. Militarily, the two forces have respectively low numbers of combatants (700 for the FANCI and 800 for the FAFN) and politically each force could withdraw from the process if mutual commitments are not respected.

9. Financially, the National Commission for DDR had secured funds to start the process in the Eastern region. The French Government has contributed, through UNDP, one (1) Million Euros to secure the Safety Net package for the Eastern DDR phase in the absence of World Bank funding, suspended pending negotiations. It was felt that if the DDR started, it would boost resource mobilization efforts, including the World Bank loan for the rest of the phases.

10. Technically though, there are difficulties. Whilst the rehabilitation of the DDR sites in the Southern region is completed, those in the Northern zone had not yet been rehabilitated. This was a result of the political protest by the Forces Nouvelles who refused to authorize and grant access for work to be done on the sites. Equipments as well as all other logistical requirement had been secured and could be deployed promptly. The CNDDR has established a planning committee (with assistance of ONUCI, UNDP and other Agencies), which has produced all necessary plans and schemes to allow the DDR process to be implemented under acceptable standards and conditions.

IV. Human rights

11. The deteriorating human rights situation in Côte d'Ivoire remains a major preoccupation for all concerned. Gross violations continue to be reported throughout the country, in the government-controlled and Forces Nouvelles-controlled zones, as well as in the zone of confidence. They include cases of summary executions and extra-judicial killings, torture, rape, forced disappearances, arbitrary arrests, illegal and *incommunicado* detentions and the destruction of houses and other property.

12. The tense situation created by the failure of the Government and the Forces Nouvelles to meet the deadlines for the implementation of political and constitutional reforms and the disarmament programme as agreed under the Accra III Agreement is likely to further aggravate the abuse of human rights in Côte d'Ivoire.

13. On 15 October 2004, the International Commission of Inquiry established under the Linas-Marcoussis Agreement to investigate all serious violations of human rights and humanitarian law perpetrated in Côte d'Ivoire since 19th September 2002, submitted its report to the High Commissioner for Human Rights for transmission to the Secretary-General and examination by the Security Council. After due processing, the reports will be made public. It is expected that considerable acrimony and partisan reaction will result from the publication.

V. Conclusion

14. The persistent deadlock calls for continuing intervention and pressures on all the Ivorian political actors from the Heads of State present at the Accra III High-level Meeting who are the moral guarantors of the Accra III Agreement. The UN Security Council may wish to send another clear and

firm message to urge the Ivorian political actors to acquit themselves concretely of their commitment to the peace process in Côte d'Ivoire.

Signed on behalf of the Group

Ambassador Raph Uwechue
Chairman

Annex II

[Original: English]

Seventh report of the Monitoring Group

Covering the period from 1 to 15 November 2004

I. Introduction

1. This report is prepared pursuant to the Accra III Agreement of 30 July 2004, which requested the Tripartite Monitoring Group to submit fortnightly reports on major developments in the peace process in Côte d'Ivoire and on the progress made towards the implementation of the Accra III Agreement. The present report covers the period from 1 to 15 November 2004.

II. Overview

2. The period under review has been marked by military operations involving FANCI and LICORNE forces. The consequences have thrown out of gear for the present even the receding hope of resumption of dialogue among the parties in the peace process. This has been complicated by a new dimension in relations between Côte d'Ivoire and France where the latter is now perceived by the former as no longer impartial. Henceforth and until the situation is normalised, LICORNE's role will be suspect in the eyes of the national military establishment both bilaterally and in terms of LICORNE's multilateral supporting role with ONUCI in the peacekeeping. After the initial shock waves from the eruption of the military hostilities, there appear to be emerging some diplomatic and political demarches by both the authorities of Côte d'Ivoire and France to calm the situation in the higher order interest of their deep historical relations. The unanimous adoption of Security Council Resolution 1572 (2004) of 15 November 2004 with the political endorsement of the African Union and ECOWAS at the Abuja mini Summit on 14 November has sent a clear message to all the Ivorian political actors. They should now, hopefully, show greater cooperation among themselves in getting the country out of the crisis. A statement from President Gbagbo indicated that he would not do anything to obstruct the peace process, but would like to see the process of disarmament and reunification of the country implemented. The Forces Nouvelles welcomed the Security Council Resolution, but reiterated their familiar preconditions on legislative reforms before the start-up of DDR.

III. Developments in the peace process

3. An extraordinary session of the Council of Ministers was held on 3 and 4 November 2004 in the absence of the Prime Minister who was reported to be on leave and of the opposition Ministers of G7 Marcoussistes. In attendance were the Head of State, FPI, PIT and UDPCI Ministers. On 4 November 2004, the Council of Ministers adopted three legislative texts namely on the regime governing the media, the Nationality Code and on the fundamental law relating to the holding of a referendum in 2005.

4. On 4 November 2004, FANCI launched a series of targeted air strikes on FN military positions in Bouake, Korhogo, Vavoua, Seguela and Man. The mission, as announced, was to reunify the country. This was clearly a violation by FANCI of the Ceasefire Agreement of 3 May 2003.

5. Meanwhile on the same day in Abidjan, distribution of opposition and pro-FN newspapers was forbidden in zones under the control of the Government. International radio stations RFI, BBC and Africa No. 1, whose FM transmitters were sabotaged, were shut off from the airwaves. According to military sources, these were precautionary measures taken in parallel with military operations on the ground. On the same day, military elements from the Presidency occupied the premises of the Ivorian Radio and Television network (RTI), removed its Director who was replaced by the President's Advisor on Communications and the former deputy Secretary General of the RTI. The objective, as officially announced, was to "control the flow of information during a state of war".

6. On 6 November, a LICORNE base was hit in Bouake. Nine French soldiers and one American aid worker were reported killed and some twenty-three wounded. LICORNE retaliated by destroying the fleet of the Ivorian Air Force on the ground in Yamoussoukro and Abidjan. Following these incidents, tensions rose in Abidjan. Clashes occurred between FANCI and LICORNE in Port-Bouet. Violent demonstrations, instigated initially by the Young Patriots, took on the dimensions of a popular mobilisation against LICORNE and French nationals and businesses. These spread beyond Abidjan to Yamoussoukro, San Pedro and Gagnoa. The military and security situation became prickly and highly volatile due in part to the strategic positioning of French troops in maintaining law and order especially in the North and in Abidjan. French troops and tanks were deployed at the airport, at the French military base BIMA, at Hotel Ivoire and around the Presidential palace in Cocody. The angry crowds of Young Patriots and pro-Gbagbo militants took to the streets incited by reports of an impeding coup d'état to remove President Gbagbo and destabilise the country. There was a fever-pitch mobilisation of the general population. The confrontation between the crowd and the French forces resulted in deaths of Ivorians and others wounded.

7. On 8 November 2004, President Gbagbo appeared on television to justify the FANCI strikes against rebel targets in the North of the country. In his address, he said that he had always believed in a peaceful solution to the conflict but that the rebels had failed to see reason. He expressed regrets over the acts of violence that occurred during the weekend and appealed for calm. He recalled that the aim of the peace process was to put an end to the crisis through the holding of elections by the constitutional deadline of October 2005.

8. In a declaration issued on 10 November 2004, the Ivorian defence and security forces reported considerable losses of military equipment:

- 2 Sukhoi destroyed
- 2 Sukhoi damaged
- 2 MI-24 helicopters destroyed
- 1 MI-24 helicopter damaged
- 1 MI-8 helicopter destroyed
- 1 PUMA helicopter destroyed

- 1 predator aircraft damaged
- 1 anti aircraft tank destroyed within the premises of the Presidential Palace in Abidjan

9. According to the Ivorian defence and security forces, the destruction of their Air Force by LICORNE pointed up the latter's deliberate design to weaken their forces in favour of the rebellion. On the human side (both military and civilian), military reports indicated the following:

- In Abidjan between 6 and 11 November: 574 were reported wounded and 22 dead among which, one gendarme;
- In Yamoussoukro: five (05) civilians were wounded on 6 November during the destruction of the Sukhoi at the airport and helicopters at the Presidential palace;
- In Duekoue and Diboly: eight (08) killed (3 military, 1 policeman, 3 civilians and 1 military reported missing) following attacks by LICORNE elements in the corridor on 7 November 2004;
- In Tiebissou: a few civilians wounded on 7 November 2004;
- In Sinfra: 2 civilians wounded following attacks by LICORNE forces in the corridor on 7 November 2004.

10. On the government side as at 10 November 2004 according to medical sources, the Ministry for Human Rights gave estimates of some fifty-four (54) dead and over 1,200 wounded in Abidjan, Duekoue, Guessabo, Tiebissou, Sinfra, Yamoussoukro and in different areas. The Minister for Human Rights also reported acts of vandalism and extortion during the various demonstrations.

11. On 13 November, President Gbagbo decreed changes in the top echelons of FANCI. In spite of assurances by the Government to the contrary, these changes have been interpreted by some sections of the public as sanctions against the top hierarchy for the failure in accomplishing the military mission of reunifying the country through recourse to force. The effect of this exercise on the morale of the military establishment is still to be assessed.

Diplomatic initiatives to find a political solution to the crisis

12. Diplomatic initiatives were launched by President Thabo Mbeki of South Africa and President Olusegun Obasanjo of Nigeria to try and broker a peace deal between protagonists in the Ivorian conflict. President Obasanjo held a crisis meeting on Côte d'Ivoire on 6 November following which President Thabo Mbeki of South Africa was delegated on behalf of the African Union to meet President Laurent Gbagbo on 9 November. Following that meeting, President Gbagbo gave assurances of his willingness to halt the military hostilities and to follow through with immediate disarmament, reunification of the territory and the adoption of the relevant legislative reforms as envisaged under the Accra III Agreement.

13. On 14 November 2004, a one-day emergency AU mini Summit on the Ivorian crisis was convened in Abuja hosted by President Olusegun Obasanjo, Chairman of the African Union and attended by five other Heads of State from Ghana, Togo, Burkina Faso, Senegal and Gabon. A Special Envoy, Mr. Ali Treki, represented President Muammar Gaddafi of Libya and Professor Mamadou

Koulibaly, Speaker of the National Assembly of Côte d'Ivoire, represented President Laurent Gbagbo. The President of the AU Commission, the Executive Secretary of ECOWAS, the Special Representative of the ECOWAS Executive Secretary in Côte d'Ivoire and the Special Representative of the UN Secretary-General in Côte d'Ivoire were in attendance. Beyond a review of the inflammatory situation in Côte d'Ivoire, the Heads of State expressed their concern over the escalating situation caused by the military operations on the part of FANCI and LICORNE forces. They also focused on the problems of arms stock-piling and the trans-border traffic in small arms and light weapons. According to them, this development could have adverse repercussions on sub-regional security and political stability. For these reasons, they recommended that the UN Security Council, in its framework of sanctions, should impose an immediate arms embargo on Côte d'Ivoire. The Heads of State reaffirmed their commitment to the Linas-Marcoussis and Accra III Agreements and requested all Ivorian parties to fulfil their obligations. Their recommendations were conveyed to the Security Council which accepted them accordingly.

14. The adoption and publication of Security Council Resolution 1572 (2004) of 15 November 2004 produced a significant resonance in the political climate of Côte d'Ivoire. The political actors as expected have read different partisan perspectives into the Resolution. Mutual recriminations continue unabated especially between the two protagonists, FPI and Forces Nouvelles, who have reiterated their very familiar interpretations of their relative obligations under the Linas-Marcoussis and Accra III Agreements. In spite of this political posturing and rhetoric, there is a sense in which all the Ivorian political actors are conscious of the adverse effects on them of the sanctions envisaged by the Security Council as from 15 December 2004.

15. It is in that spirit that evolving developments might indicate various proposals by the political actors to resume dialogue and negotiations.

IV. Humanitarian and human rights developments

16. Humanitarian and human rights developments have been overshadowed by the military hostilities launched by FANCI and LICORNE.

17. As a result of the riots, The Ivorian Red Cross announced that it had provided medical kits and medicine for over 250 wounded persons in the main hospital in Cocody and it treated some 2,979 persons between 5 to 11 November for wounds and other ailments.

18. UNHCR reported that over 11,000 Ivorians had fled into Nimba County of Liberia, but this was more of a preventive move than a direct result of the current hostilities. The Ivorians had been arriving in Liberia through at least 12 entry points along a 45-km stretch of relatively remote frontier, often crossing the border river in small canoes. Unfortunately, UNHCR's monitoring work had been considerably slowed by the remoteness of the region and the very poor state of the roads, many of which are impassable by car. Relief agencies had sent out teams on motorcycles to reach the refugees in the more inaccessible areas. UN helicopters had been used to airlift emergency relief items to Butuo, where the bulk of the newcomers were staying.

19. WFP had been able to resume some of its operations in Côte d'Ivoire just days after the wave of unrest sweeping the country had forced the agency to suspend most of its food aid projects. WFP food aid reached more than 15,000 refugees and displaced persons sheltering at camps in Guiglo and Tabou. The agency also continued to provide assistance to thousands of malnourished children and pregnant women at therapeutic feeding centres across Côte d'Ivoire.

20. The supply of drinkable water and electricity was cut in the northern parts of the country on 2 November 2004, a few days before the resumption of hostilities, to be briefly reinstated on 12 November, then cut again on 14 November, causing severe hardship to the population in these areas. The supply was finally restored on 15 November. According to a statement made by the Forces Nouvelles on 11 November 2004, all health centres in the western, northern, centre and northeast regions had not been supplied with electricity and water thus leading to the death of around 300 individuals due to lack of medical care. Some elements of MEFN were reported to have attacked two villages (one in the North and one in the ZOC) to punish the villagers alleged to having supported the FANCI infiltrations across the ZOC during the recent crisis.

21. Furthermore, following attacks by FANCI on positions held by Forces Nouvelles on 4, 5 and 6 November 2004, Forces Nouvelles reported the deaths of some 85 persons (mainly women and children) among which 7 combatants.

22. According to the French Ministry of Foreign Affairs, over 8,500 foreigners, among which some 7,200 French citizens, had been repatriated by air. As a precautionary measure, ONUCI, UN agencies and International NGOs operating in Côte d'Ivoire had also temporally evacuated some of their staff. Diplomatic missions resident in Abidjan have also evacuated some of their staff for the time being.

V. Conclusion

23. The resumption of armed hostilities has come to complicate, if not scuttle, the initiatives that were ongoing in order to steer a way out of the Ivorian crisis. As of now, the atmosphere of confidence building appears to have been snuffed out. Bitter recriminations abound amidst claims by partisans of the two major protagonists insisting on their "radicalised" or "polarised" positions. The whole atmosphere for negotiations is confused even as reports of consultations and good offices might have otherwise given hope for some emerging compromise. The signals for a solution are not at all clear on the horizon. The observer may wish to fall back on the Security Council resolution 1572 (2004) in the hope that the Ivorian political actors might be awakened by its impact and come to grips finally with their accountability for any failure to travel together the roadmap to peace in Côte d'Ivoire.

24. Meanwhile, efforts at mediation must continue in order to encourage resumption of dialogue and of the full activity of the Government of National Reconciliation. In this regard, President Thabo Mbeki's mission as the AU mandated peace-broker deserves strong international support.

Signed on behalf of the Group

Ambassador Raph Uwechue
Chairman
Abidjan, 16 November 2004